

conceal said core from casual view.--

REMARKS

The specification has been amended to correct an obvious informality, and a copy of the specification as amended has been presented in the AMENDED SPECIFICATION AS OF APRIL 10, 2002 filed herewith

In her last action, the Examiner rejected claim 1 under §112 as indefinite by noting the language of a balloon holder "simulating a gift bag" was not a positive limitation. This language has been deleted from the claim. Reconsideration is thus requested.

The claims as amended are presented in the separate AMENDED CLAIMS AS OF APRIL 10, 2002 filed herewith.

The Examiner also rejected claims 1-3, 8, 9 and 14 under §102 of the Statute by noting the disclosure of The Fun Place from the internet. The claims, however, define features not described in the materials from the Fun Place internet site supplied by the Examiner, and reconsideration is, therefore, requested.

As noted in the specification, balloon holders have been known that are formed of a small gift bag that may have a weight placed in the bottom of the gift bag with decorative tissue paper placed loosely inside to cover the weight. Note the specification as filed, page 3, lines 4-10. As noted by applicant, however, such balloon holders simulating a gift bag are typically made individually and are not manufactured readily by automatic techniques nor can they be shipped, stored or displayed in a retail environment satisfactorily.

Applicant, therefore, provided a decorative balloon holder that may simulate a gift bag

and yet can be manufactured, stored, shipped and displayed at retail in a manner preserving the decorative appeal of the balloon holder. As an important feature of the invention, applicant has provided a decorative material which is secured to the core providing the weight to hold the balloons in place.

The Fun Place reference applied by the Examiner is a craft item essentially as described as part of the prior art in the specification. The Fun Place reference describes a party centerpiece of a weighted balloon bouquet having the weight tucked into a decorated gift bag, and then covered with shredded paper.

Claim 1 recites "decorative material" that is "secured" to the core. The Fun Place reference teaches "covering" the weight with shredded paper and does not describe or teach securing the shredded paper to any core as required in claim 1.

Claim 2 requires the "core" be secured to the interior of the decorative bag. The Fun Place reference applied by the Examiner describes "tucking" the weight into the decorated bag, and does not describe or teach securing the weight inside the bag as required by claim 2.

Further, claims 3, 9 and 14 each require the decorative material being formed from a length of decorative sheet material having its upper portion cut into a series of strips adapted to extend outwardly from the decorative bag and its lower portion secured around the periphery of the core. The Fun Place reference applied by the Examiner describes covering the weight with shredded paper and thus does not teach (1) a length of decorative sheet material having its upper portion cut into a series of strips, or (2) the lower portion of

a length of decorative material being secured around the periphery of the core.

Claim 8 additionally requires an inner liner fitted within the decorative bag with the core being held to a specific location on the liner and the decorative material being also held to the liner. The applied Fun Place reference does not disclose such a liner, nor does it disclose the holding of the core and decorative material to such a liner as set forth in claim 8.

Reconsideration of the rejection under §102 of the Statute is thus requested.

To the extent the Examiner considers on reconsideration that the Fun Place reference can be modified to meet these claim limitations, such modifications to the reference cannot properly be considered obvious under §103 unless the prior art also suggests the desirability of the modification. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir 1990). Although a prior art device may be capable of being modified to meet the claimed invention, there must be some motivation or suggestion from the art to make the modification, and applicant's disclosure may not be used in hindsight to justify the modification. *In re Mills*, 916 F.2d at 682, 16 U.S.P.Q.2d at 1432.

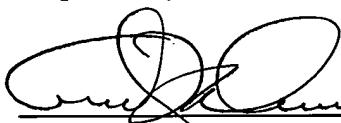
The Fun Place reference describes a craft item to be made at home, and does not pertain to solving any problems associated with a balloon holder that may simulate a gift bag and yet can be manufactured, stored, shipped and displayed at retail in a manner preserving the decorative appeal of the balloon holder.

It is also noted that it is improper to rely upon the level of skill in the art to provide the suggestion to combine features of different references. *Al-Site Corp. v. VSI Intl. Inc.*, 174

F.3d 1308, 50 U.S.P.Q.2d 1161 (Fed. Cir. 1999). The fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish obviousness. See, M.P.E.P 2143.01

Regarding the rejection under §103 noting the Harms patent, none of the references applied by the Examiner teach or suggest providing handles on a balloon holder simulating a gift bag for the purpose of attaching the string of one or more balloons, nor do the applied references teach securing the upper portions of the handles together as required in claims 5, 7, 11, 13 and 16. Reconsideration is thus requested.

Respectfully submitted,


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April 10, 2002


Gerard F. Dunne

AMENDED SPECIFICATION AS OF APRIL 10, 2002

S P E C I F I C A T I O N

Field Of The Invention

The present invention relates to a decorative balloon holder for securing one or more buoyant balloons in position on a tabletop or the like.

Background Of The Invention

Various devices for holding a buoyant party balloon in a desired position on a tabletop have been proposed, but such products are often not very attractive for use at a festive occasion such as a birthday party, or are relatively expensive to manufacture. The products disclosed in United States patent nos. 5,011,447; 5,016,848; 5024011; 5,035,391; 5,074,510; 5,662,510 or 5,755,419, for example, are manufactured by molding synthetic plastics or comparable techniques and the resulting products can not usually be made festive in appearance without additional expense or bother for the consumer.

Balloon holders formed of a core of weighted mass of compacted sand, or cement and sand mixtures, have been proposed that are wrapped in a festive paper, and such balloon holders have met a need for inexpensive but festively decorated party props to secure buoyant balloons. In an earlier application by one of the

inventors, serial no. 565,709 filed May 5, 2000, an attachment for securing the string of the balloon is held directly to the core and a decorative layer of material is held around the core to provide a festive balloon holder that can be manufactured inexpensively and yet can hold a balloon securely in place.

Other balloon holders have been used that are formed of a small gift bag that may have a weight such as small lead fishing weights or sand placed in the bottom of the gift bag with decorative tissue paper placed loosely inside to cover the weight. Such balloon holders simulating a gift bag are festive and very desirable for many party occasions where buoyant balloons need to be held in place on a tabletop or the like.

However, such balloon holders simulating a gift bag are typically made individually and are not manufactured readily by automatic techniques nor can they be shipped, stored or displayed in a retail environment satisfactorily. It is, therefore, an object of the present invention to provide a decorative balloon holder that may simulate a gift bag and yet can be manufactured, stored, shipped and displayed at retail in a manner preserving the decorative appeal of the balloon holder.

Summary of The Invention

According to the present invention, a balloon holder simulating a gift bag is provided by a decorative bag. A core having sufficient weight to hold at least one buoyant balloon in

place is positioned within the decorative bag, and decorative material is secured to the core in a position to conceal the core from casual view. The decorative material is preferably formed from a length of decorative sheet material having its upper portion cut into a series of strips adapted to extend outwardly from the decorative bag and its lower portion held around the periphery of the core. The decorative bag may have handles extending from an upper portion thereof to serve as an attachment for a string of one or more balloons, and the upper portions of the handles may preferably be fixed together.

In one embodiment of the present invention, the core is held to the interior of the decorative bag. In another embodiment of the present invention, an inner liner is fitted within the decorative bag, and the core is held to the interior of the lower portion of the inner liner and the decorative material is held to the interior of the upper periphery of the inner liner.

These and other objects, and advantages and features of the present invention will become apparent from the description given below which is made in conjunction with the following drawing figures:

Fig. 1 is a perspective view of a balloon holder according to one embodiment of the present invention;

Fig. 2 is an exploded view thereof;

Fig. 3 is a perspective view of a balloon holder according to

another embodiment of the present invention suitable for a larger gift bag;

Fig. 4 is an exploded view of the embodiment of Fig. 3.

As illustrated in Fig. 1, a party balloon 10 has a string 12 tied to handles 14 of a decorative gift bag 16 forming part of the balloon holder 18 of the first illustrated embodiment of the present invention. The balloon holder 18 is resting on a tabletop 20 and has sufficient weight to counteract the buoyancy of one or more balloons 10.

Fig. 2 illustrates the construction of the first embodiment of a balloon holder of the present invention, and a core 22 formed of an inexpensive but weighty material such as compressed sand held by an adhesive or a sand, cement and water mixture, is formed into a shape corresponding to the interior of the gift bag. Preferably, the core 22 is trapezoidal in section to taper towards the top of the bag, and a mixture of approximately 72% sand, 24% cement and 4% water has been found satisfactory to hold one or more typical (Mylar) balloons inflated with helium.

Decorative material extends outwardly from the open top of the gift bag 16, and as illustrated in Fig. 2, the decorative material is formed from a length 24 of decorative sheet material having its upper portion 28 cut into a series of strips 30 adapted to extend outwardly from the open top of the decorative bag 16, as

illustrated in Fig. 1. The lower portion 32 of the decorative material is held around the periphery of the core 22 by orthogonal strips of tape 34 and 36. In this way, the decorative material is held to the core 22 around its generally rectangular periphery to conceal the inner core 22 from casual view by forming a decorative effect about the rectangular opening in the top of the gift bag 16 when the strips 30 are arranged to extend outwardly from the open gift bag 16.

In preferred form, the core 22 may be adhered to the bottom 38 of the gift bag 38 by an adhesive, tape or the like to secure the assembly together, and the upper portions of the handles 14 may be secured together by adhesive, tape, fine line or the like. By holding the decorative material to the core 22, the decorative material will stay in place during shipment, storage or handling. A decorative balloon holder simulating a gift bag is thus suitable for manufacture reliably by automated techniques and can be shipped securely and handled at retail while maintaining its attractiveness to the consumer.

Fig. 3 illustrates an embodiment having a larger gift bag 40. As shown in Fig. 4, an inner liner 41 conforming generally to the shape of the interior of the gift bag 40 is fitted within the gift bag 40. The inner liner may be formed of cardstock and is folded into shape and secured by tape 41a.

The core 42 is preferably wrapped in protective paper 43

secured by tape 44, and the core 42 is held to the interior of the lower portion 46 of the inner liner 41 by one or more strips of tape 48 engaging the bottom of the wrapped core 42 and the sides of the inner liner 41. The decorative material 50 formed in a manner similar to the decorative material 30 of the first embodiment is held to the interior of the upper periphery 52 of the inner liner 41.

By use of the inner liner 41, a balloon weight formed of a larger size gift bag will have support to maintain its decorative shape and assemblage during handling and shipment. As in the first embodiment, the upper portions of the handles 14 may be secured together by adhesive, tape, fine line or the like to complete the assemblage.

These and other objects, advantages and features of the present invention will be understood from the detailed description made above; and it is understood that the present invention is not limited by any details set forth above, but by the appended claims.

AMENDED CLAIMS AS OF APRIL 10, 2002

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1. (Amended) A balloon holder, comprising a decorative bag, a core having sufficient weight to hold at least one buoyant balloon in place and positioned within said decorative bag, and decorative material secured to said core in a position to conceal said core from casual view.
2. A balloon holder as set forth in claim 1, said core being secured to the interior of said decorative bag.
3. A balloon holder as set forth in claim 2, said decorative material being formed from a length of decorative sheet material having its upper portion cut into a series of strips adapted to extend outwardly from said decorative bag and its lower portion secured around the periphery of said core.
4. A balloon holder as set forth in claim 3, said decorative bag having handles extending from an upper portion thereof to serve as an attachment for a string of one or more balloons.
5. A balloon holder as set forth in claim 4, the upper portions of said handles being secured together.
6. A balloon holder as set forth in claim 2, said decorative bag having handles extending from an upper portion thereof to serve as an attachment for a string of one or more balloons.
7. A balloon holder as set forth in claim 6, the upper portions of said handles being

secured together.

8. A holder for a balloon as set forth in claim 1, including an inner liner fitted within said decorative bag, said core being held to the interior of the lower portion of said inner liner and said decorative material being held to the interior of the upper periphery of said inner liner.

9. A balloon holder as set forth in claim 8, said decorative material being formed from a length of decorative sheet material having its upper portion cut into a series of strips adapted to extend outwardly from said decorative bag and its lower portion held around the interior of the upper periphery of said inner.

10. A balloon holder as set forth in claim 9, said decorative bag having handles extending from an upper portion thereof to serve as an attachment for a string of one or more balloons.

11. A balloon holder as set forth in claim 10, the upper portions of said handles being secured together.

12. A balloon holder as set forth in claim 8, said decorative bag having handles extending from an upper portion thereof to serve as an attachment for a string of one or more balloons.

13. A balloon holder as set forth in claim 12, the upper portions of said handles being secured together.

14. A balloon holder as set forth in claim 1, said decorative material being formed from a length of decorative sheet material having its upper portion cut into a series of strips

adapted to extend outwardly from said decorative bag and its lower portion held within said decorative bag.

15. A balloon holder as set forth in claim 1, said decorative bag having handles extending from an upper portion thereof to serve as an attachment for a string of one or more balloons.

16. A balloon holder as set forth in claim 15, the upper portions of said handles being secured together.